

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on April 14, 2005 at 4:53 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. Jeff Essmann (R)  
Sen. Kim Gillan (D)  
Sen. Dan Harrington (D)  
Sen. Sam Kitzenberg (R)  
Sen. Trudi Schmidt (D)  
Sen. Bob Story Jr. (R)  
Sen. Ken Toole (D)

**Members Excused:** Sen. Jon Ellingson (D)  
Sen. Kelly Gebhardt (R)

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Lee Heiman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: SJ 33, HB 535, HB 569, HB 592, HB 674, HB 700, HB 703, HB 475

00:02:21

EXECUTIVE ACTION ON SJ 33

Motion/Vote: SEN. TOOLE moved that SJ 33 BE CONCURRED IN. Motion carried 7-4 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting no. SEN. ELLINGSON and SEN. SCHMIDT voting aye by proxy. SEN. GEBHARDT voting no by proxy.

00:03:51

EXECUTIVE ACTION ON HB 535

Motion: SEN. BLACK moved that HB 535 BE CONCURRED IN.

Motion/Vote: SEN. STORY moved that HB 535 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas80a01)

00:08:55

Patrick Montalban, Northern Montana Petroleum Association

Motion/Vote: SEN. BLACK moved that HB 535 BE CONCURRED IN AS AMENDED. Motion carried 8-1 by voice vote with SEN. TOOLE voting no. SEN. BLACK will carry the bill.

00:08:55

EXECUTIVE ACTION ON HB 592

00:11:23

Gene Walborn, Department of Revenue

[EXHIBIT](#)(tas80a02)

00:24:07

Patrick Montalban, Northern Montana Petroleum Association

00:38:16

Jerome Anderson, Encore Acquisition Company

[EXHIBIT](#)(tas80a03)

00:41:59

Harold Blattie, Montana Association of County Officials

00:42:42

William Duffield, Montana Association of Oil and Gas Counties

Substitute Motion/Vote: SEN. HARRINGTON made a substitute motion that HB 569 BE TABLED. Substitute motion carried 7-4 by roll call vote with SEN. ESSMANN, SEN. GEBHARDT, SEN. GILLAN and SEN. STORY

voting no. SEN. ELLINGSON voting aye by proxy. SEN. GEBHARDT voting no by proxy.

00:46:41

EXECUTIVE ACTION ON HB 592

Motion: SEN. STORY moved that HB 592 BE CONCURRED IN.

Motion/Vote: SEN. TOOLE moved that HB 592 BE AMENDED. Motion carried unanimously by voice vote.

00:50:59

Neil Peterson, Department of Revenue

Motion/Vote: SEN. TOOLE moved that HB 592 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#) (tas80a04)

Motion/Vote: SEN. TOOLE moved that HB 592 BE AMENDED. Motion carried 6-4 with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY. SEN. GEBHARDT voting no by proxy.

Motion/Vote: SEN. STORY moved that HB 592 BE CONCURRED IN AS AMENDED. Motion failed 5-6 by roll call vote with SEN. BLACK, SEN. ELLINGSON, SEN. GILLAN, SEN. HARRINGTON, SEN. KITZENBERG, and SEN. SCHMIDT voting aye. SEN. GEBHARDT voting aye by proxy. SEN. ELLINGSON voting no by proxy.

Motion/Vote: SEN. STORY moved to RECONSIDER HB 592. Motion carried unanimously by voice vote.

Motion/Vote: SEN. STORY moved that HB 592 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. ELLIOTT will carry the bill.

01:05:23

EXECUTIVE ACTION ON HB 674

Motion/Vote: SEN. TOOLE moved that HB 674 BE TABLED. Motion carried unanimously by voice vote.

01:07:16

EXECUTIVE ACTION ON HB 703

Motion: SEN. TOOLE moved that HB 703 BE CONCURRED IN.

Motion/Vote: SEN. STORY moved that HB 703 BE AMENDED. Motion failed 4-7 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN.

GEBHARDT, and SEN. STORY voting aye. SEN. GEBHARDT voting aye by proxy. SEN. ELLINGSON voting no by proxy.

EXHIBIT(tas80a05)

Motion/Vote: SEN. STORY moved that HB 703 BE TABLED. Motion failed 4-7 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting aye. SEN. ELLINGSON voting aye by proxy. SEN. GEBHARDT voting no by proxy.

Motion/Vote: SEN. TOOLE moved that HB 703 BE CONCURRED IN. Motion carried 7-4 by roll call vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting no. SEN. ELLINGSON voting aye by proxy. SEN. GEBHARDT voting no by proxy. SEN. TESTER will carry the bill.

01:25:44

EXECUTIVE ACTION ON HB 700

Motion/Vote: SEN. TOOLE moved that HB 700 BE TABLED. Motion carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 6:21 P.M.

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SEN. JIM ELLIOTT, Chairman

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KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

**EXHIBIT ([tas80aad0.TIF](#))**